

438
C97

Speech of J.L.M. Curry of Alabama
on the Election of Speaker and the
Progress of Anti Slaveryism

U.S. House December 10, 1859

E438
C47

SPEECH

OF

J. L. M. CURRY, OF ALABAMA,

ON THE

ELECTION OF SPEAKER,

AND THE

PROGRESS OF ANTI-SLAVERYISM.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

DECEMBER 10, 1859.



WASHINGTON:

PRINTED BY LEMUEL TOWERS

1859.

10

10

SPEECH

OF

JABEZ L. M. CURRY, OF ALABAMA,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, DECEMBER 10, 1859.

Mr. CURRY having obtained the floor, said:

There are occasions, Mr. Clerk, when a whole people, like an individual, hold their breath in suspense, anxiously awaiting the issue of events. There are critical periods, which, like night, intervene between successive days, and mark the destiny and the history of a people. The excitement prevailing in the public mind throughout this country, the manifestation of interest both here and elsewhere, admonish us that this, perhaps, is such an occasion. Nor does this excitement and this profound agitation of the public mind arise from the simple question of the organization of this House; nor from the publication and circulation of an incendiary pamphlet; nor, sir, except in a modified degree, from the murderous incursion which was recently made into the Commonwealth of Virginia. These are but scenes in the act of a general drama, incidents of a principle, the revelations, more or less shadowy, of a purpose. The real cause of the agitation in the public mind, the radix of the excitement, is the anti-slavery sentiment of the North,—the conviction that property in man is a sin and a crime, that the African is the equal of the white man; that he is a citizen of the United States, and that he is entitled to the privileges and immunities of other citizens. Throw over it whatever disguises we may, and whatever may be the immediate action superinducing this question, here is the secret of the agitation, and here is the cause of our differences. This is the general classification, in which there are modifications of opinion and gradations of sentiment; perhaps, on the one extreme, in the maximum, is William Lloyd Garrison; and on the other, in the minimum, is the distinguished Representative from Ohio, (Mr. CORWIN.)

In the exercise of that charity which rejoiceth in the truth, I do not propose to hold the Republican party responsible for the excesses which have been committed by all men holding anti-slavery opinions. I do not propose to charge any personal complicity with John Brown, because from the bottom of my heart I do acquit them from all connection with that raid which was made into

Virginia. I go further, and say, that I will accept the plea which has been interposed by your attorney of record and your spokesman, and will allow the mantle of ignorance to cover your recommendation of an incendiary pamphlet. I propose, if I can, to follow the example set me by the gentleman from Ohio, (Mr. CORWIN,) and so far as I am able with my limited capacity, to rise to the height of this great argument and treat it as a philosopher, a statesman, and a citizen of a common country.

The averment I make, Mr. Clerk, is that the ideas, the principles, the politics of the Republican party are necessarily and inherently and essentially hostile to the Constitution and to the rights and interests of the South. The arguments used assume an antagonism between the sections, an irrepressible conflict between opposing and enduring forces; and if slavery be what you allege it to be in your school-rooms, your pulpits, through your public lectures, your political addresses, your legislative resolves, your congressional speeches, he is the most criminal who stops short in his career and hesitates at the exercise of the necessary means for its extinguishment. If slavery be a crime against God and against humanity, if it be a curse to society, if it contain the fruitful seeds of immedicable woes, it is as idle to talk of moderation and the Constitution and non-interference with the rights of the South as it would be to attempt to propel a skiff up the surging cataract of Niagara. Inflaming the public mind, cultivating sectional hostility, impregnating the public conscience with the germ of your doctrines, you array agencies and put in motion elements that must have their logical development and result. The Lord George Gordon riots of 1780, when London was in the possession of an infuriated mob, headed by a madman, and when the proceedings of Parliament were almost suspended, when "civil authority was prostrated" under the influence of the savage cry of "no popery," are but a fair illustration of the effect of fanaticism and folly. The recent incursion that has been made into the State of Virginia, although disavowed and repudiated—as I have no doubt it honestly and conscientiously is by most, if not all, of the gentlemen on the other side of the House—is, in my judgment, the necessary, logical, and inevitable sequence of your principles and your doctrines.

I propose now to address myself calmly and inoffensively to this House and to the country, and to show the effect and the necessary consequence of this anti-slavery agitation and feeling.

I am conscious of the fact that there are in the northern States two distinct anti-slavery organizations—one represented by William Lloyd Garrison, Phillips, May, and others; the other represented by the Republican party of the North; and I repeat again, that I do not hold the Republican party personally responsible either for the doctrines avowed or for the measures advocated by the Garrison party. I have a different purpose in the remarks that I shall submit to-day; and that is, to demonstrate, if I am able, that those of you who now shrink back from the doctrines

avowed by that party will, either yourselves or through your successors, be driven to the assumption of these opinions. In 1835, in an address issued by the anti-slavery society of Massachusetts, participated in by William Lloyd Garrison and others of that type of anti-slavery men, I find recorded these sentiments :

"We have never advocated the right of physical resistance on the part of the oppressed. We assure our assailants, that we would not sacrifice the life of a single slave-holder to emancipate every slave in the United States."

That is the opinion which was promulgated officially by William Lloyd Garrison, and those whom my friend from New York (Mr. CLARK) affirms are the Abolitionists proper. In 1859, Wendell Phillips, a man who deserves the high eulogium, intellectually, that was paid to him by the distinguished member from Ohio, (Mr. CORWIN,) in a speech made in Brooklyn uses this language, speaking of John Brown and his incursion into Virginia:

"It is the natural result of anti-slavery teaching. For one, I accept it; I expected it."

That is the position into which the Garrisonians have been driven by this volume of anti-slavery sentiment at the North. In 1852, the Whig party of the Union, in their Presidential convention—and I believe two-thirds of the Republican party belonged to that organization—resolved that the compromise measures of 1850, including the fugitive slave law, were a finality, and were, in principle and in substance, the settlement of the slavery question. In six years from that time, you find the great State of Ohio, through its Republican convention, composed of two thirds of that same Whig party, resolving that the fugitive slave law ought to be repealed, as being destructive of the rights of the States, and subversive of the moral sense of mankind. What more, Mr. Clerk? Those Democrats who have fallen off from our organization into the Republican party were committed to the same extent by the Democratic convention of the same year; and yet they have been driven to the enunciation and advocacy of extreme doctrines from which, three or four years ago, they would have shrunk back with alarm and indignation.

Why, sir, what do we find? In the State of Massachusetts they have nullified the fugitive slave law. I have the bill before me in which they have, in the most particular and specific manner, met the points presented in the fugitive slave bill, and have practically and effectually nullified that bill which was to carry out the plain and unadorned letter of the Constitution. This bill of the Legislature even goes so far that it appoints commissioners, to be feed, paid, compensated by the State of Massachusetts, who are to defend the slaves in the courts of Massachusetts, and any lawyer who represents the case of the claimant is to be stricken from the roll of attorneys and incapacitated from holding any office in the State.

And this has not been done alone in Massachusetts. In Wisconsin there is a similar statute repealing or nullifying the fugitive slave law, and preventing its execution, at least so far as the

whole power of the State can be brought to the accomplishment of that purpose. There are provisions of a similar tenor in other States of the North. There was one in Ohio which the Democratic party struck from the statute-book; and Vermont has now a similar law. I state these things not just now for the purpose of condemning them, but to show that the Republican party has been borne on by the progress of events and by the fanaticism of public opinion to the admission of doctrines from which, but a short while since, they would have recoiled with horror. But that is not all.

A Senator from New York (Mr. SEWARD) boasted, in a speech which he made a year ago, that upon that floor, and in this House, there were twenty Republican Senators and a hundred Republican members, while twenty years ago there were hardly so many men in the whole northern States to avow their opinions. If I may be allowed to make a personal allusion, in 1844 I myself stood in Faneuil Hall, and heard a speech of James G. Birney, the Liberty party candidate for the Presidency, when there were but twenty or thirty present to share with him his liberty-loving sentiments; and some of those who were there, were, like myself, attracted by curiosity to hear a speech upon such a subject from a candidate for such a position. It is thus that anti-slaveryism has swelled, enlarged, and grown, until at the last presidential election a mere political adventurer, unknown to the multitude, without political antecedents, received one million four hundred thousand votes in the northern States. And yet we are told, the distinguished gentleman from Ohio (Mr. CORWIN) told us, that we need not have any apprehension or feel any special alarm.

Mr. Clerk, when the gentleman from Tennessee, (Mr. NELSON,) the other day, in a speech in which, at one bound, he sprang into the front rank of debaters of this House, enlogized the Know Nothing party, it was received with tumultuous applause by the Republicans; thus publicly testifying their ancient connection with the order. The occasion was not omitted in which to manifest the depth and intensity of their contempt and scorn for foreigners and for Roman Catholics, while they have no special repulsion for the black race. Under the constitution and laws of Massachusetts, there is no ineligibility to disqualify a negro from being Governor of the State. The period within which foreigners can vote has been extended two years, while the negro is allowed to vote, without any restriction, after he has arrived of age. I am also informed that the word "white" has been stricken out of the militia bill, and blacks are to stand side by side with the whites of that State, in their military parades.

This fanaticism is becoming uncontrollable. The indications are to be found in the underground railroads, and in the efforts to rescue negroes in the northern States. You find them in the contributions of large amounts of money to circulate incendiary pamphlets throughout the South, and in the wide-spread sympathy for a murderer and a traitor. You find them in the per-

sonal liberty bills, *habeas corpus* bills, and *mandamus* bills, and in the impeachment of judicial officers for executing the fugitive slave law. You may think this anti-slavery sentiment a peaceful river, flowing quietly within its embankments, upon which you may ride safely into place and power, but it will rise as a flood and engulf the vessels on its bosom, and sweep away whatever opposes its resistless fury.

The gentleman from Ohio, (Mr. CORWIN,) in his very adroit speech, intended to mollify the hostility of the South towards Republicanism, attempted to allay our fears and quiet our apprehensions from the fact that there was no more territory to be acted upon at this session of Congress. Did it not occur to the very distinguished gentleman to inquire then, wherefore the necessity of the Republican organization, which came into existence distinctly, avowedly, and solely for the purpose of the prevention of slavery in the Territories? If you do not intend to inflict wrong upon the South, or interfere with slavery, and if there be no question upon which your doctrines can be practically applied, dissolve your organization and put it out of your power to do us injury. The gentleman, as well as my friend from New York, (Mr. CLARK,) in his remarks to-day, was singularly infelicitous in his definition of Abolitionism, and his explanation of the principles of the Republican party, preferring, I suppose, that we should rather repose in the vagueness of a fallacy than to be tormented with the precision of a logical definition.

Now, Mr. Clerk, I propose to try by the test of fact and of logic whether there be any cause for apprehension on the part of the South, and whether there be any occasion for anxiety in reference to the questions which are before the people. At the South, with the institution of slavery in our midst, we are not accustomed to distinguish very accurately and precisely between the different degrees of opposition to us and to our institutions; but I submit to the House and the country, so far as they may honor what I say with audience and perusal, that the measures which are presented by the Republican party are of imminent danger to the Constitution, and the South, and the country at large. What are those measures? If a convention were again assembled for the purpose of forming a Constitution of the United States, would New England, or would New York agree to the present provision for the delivery of fugitives from labor? Would New York, New England, Michigan and other northern States agree to the provision in the Constitution to suppress insurrection? Would Massachusetts agree to the provision allowing slave representation in the Congress of the United States?

Without speculating upon what might be done, in a convention to frame a Constitution for the United States, I ask you, gentlemen, and I put it to your hearts and your consciences, whether, if you had the power, you would not modify or repeal the fugitive slave law? Would you? If I take the declaration of the State of Ohio, in its Republican convention, I am authorized to

say that you would. If I take the declarations of your prominent men, who hold high official positions as Senators, Representatives, and Governors, I am authorized to say that you would—that that clause of the Constitution would be practically made void, and of no effect, by your legislation, if you had the control of this country. I go further still. I ask you, and if necessary I will pause for a reply, had you the power, would you not abolish slavery in the District of Columbia? Your great Senator from New York (Mr. SEWARD) said that he would; and he, in time past, introduced a bill to secure that object. I ask you, and I press the question home upon you, whether, if you were in power, you would not use the legislation of this country, and all the functions of this Government, to abolish slavery and render slave property insecure in the forts, arsenals, dock-yards, and other places subject to the jurisdiction of the United States? No negative response comes up that I hear.

Mr. KILGORE. We would not interfere at all with the present relations of slavery in the slave States.

Mr. CURRY. In the free States no legislation would be necessary, but would you not in those States which have been acquired since the formation of the Government? I believe a distinction is made between the old thirteen States and those formed out of territory acquired since the Revolution. I ask gentlemen, and I know their sentiments on the subject, for their political platform avows them, whether they would not, by act of Congress, abolish slavery in the Territories of this country? If a State were formed out of territory north or south of the Missouri line of $36^{\circ} 30'$, and a slave constitution presented, would gentlemen vote for its admission? I know that a colleague of the gentleman from Indiana, (Mr. KILGORE,) and five or six others, during the last Congress, stated that they would not; and Ohio, Vermont, and other States have instructed their Senators not to vote for the admission of slaveholding States into the Union. I put it to you, and press it upon the attention of the country, whether, if by the agencies of this Government you were to cripple and confine us within gradually narrowing limits, we would not then be reduced to subjection to the negro, or forced to fly from the country of our residence? These are your avowed opinions in the newspapers, in your official organs, and uttered by Representatives in Congress, and yet I am gravely told that we are to dismiss our apprehensions, and entertain no fear as to the consequences.

The vitalizing, animating principle of the Republican party is hostility to slavery. Extension of slavery into the Territories, a gentleman says. I accept the suggestion; but will demonstrate before I get through, that it has a nearer application to us than that. For the present, I say that the vital animating principle of the Republican party is aggressive hostility to the extension of slavery into the Territories. That is the ligament which binds the heterogeneous compound together. Without it, it would fall to

pieces of its own weight, or be disintegrated from want of coherence and harmony. What does Mr. SEWARD say? I use his name, for he is a representative man, and because his opinions have not been disavowed. He says that while we leave slavery to the States where it exists—just the sentiments expressed by the gentleman from Ohio, (Mr. SHERMAN,) the other day—we should inflexibly direct the policy of this Federal Government so as to circumscribe its limits. For what? To secure its ultimate extinction. That is the object. By confining us within this narrowing circle to secure the abolition of slavery. You will not deny that that is the purpose and effect of this agitation.

Governor Chase, who was a Senator once from Ohio, and who is now, I think, the Governor of that State—that Governor Chase, between whom and the gentleman from Ohio, (Mr. CORWIN,) there seems to have been a sort of fraternal and political concord and alliance—in an address which he delivered in Boston, says to his anti-slavery friends that “we must see to it that the principles of freedom are made to animate every function of our national Government, *and every officer connected with its Administration.*” Everything is to be made subservient and auxiliary to this principle of negro freedom. The famous English test act, by which a man was excluded from civil office unless he partook of the sacrament after the manner of the Church of England, is to be re-enacted, and applied to the southern States. All who cannot pronounce the *shibboleth* of Republicanism are to be proscribed and banished from all influence in our Government and Union. Non-slaveowners and Republicans are to hold all the offices. Postmasters, marshals, district attorneys, mail agents, Federal judges, and all other officers, are to be controlled, according to Governor Chase, by this principle of freedom. Such an expedient would incapacitate southern men. The conscientious and Constitution-loving would be excluded—the unprincipled and the traitor would be appointed. It would be as effectual as the penal code against the Papists of Ireland, and every Federal office would be effectually barred against a slaveholder. The object is to divide the South into two distinct bodies, without interest, sympathy, or connection, and another Ireland is to be made on this side of the ocean, with new parties of Orangemen and Brunswick-men.

The gentleman from Illinois (Mr. KELLOG) stated that the object is to exert all the powers of this Government to prevent the extension of slavery; and this Constitution which was intended to be our protection and our defence, is to be made the instrument of our oppression and the badge of tyranny.

I have very summarily and briefly referred to the opinions of the Republican party, the animating principle of that party, the sentiments which they avow, and the consequences which must inevitably follow from their assumption of the reins of government, if they be true to their principles and their avowals. I re-

gretted very much to hear the gentleman from Tennessee (Mr. NELSON) say that the election of a man holding such principles to the presidency, was not to be resisted by the South. During the canvass of 1856, Mr. Fillmore, in a speech which he made at Albany, after his return from Europe, used the following language:

"But, sir, what do we see? We see a political party presenting candidates for the Presidency and Vice Presidency, selected for the first time from the free States alone, with the avowed purpose of electing these candidates by suffrages of one part of the Union only, to rule over the whole United States. Can it be possible that those who were engaged in such a measure can have seriously reflected upon the consequences which must inevitably follow, in case of success? Can they have the madness or the folly to believe that our southern brethren would submit to be governed by such a Chief Magistrate? Would he be required to follow the same rule prescribed by those who elected him, in making his appointments? If a man living south of Mason and Dixon's line be not worthy to be President or Vice President, would it be proper to select one from the same quarter as one of his cabinet council, or to represent the nation in a foreign country? Or, indeed, to collect the revenue, or administer the laws of the United States? If not, what new rule is the President to adopt in selecting men for office, that the people themselves discard in selecting him? These are serious, but practical questions, and in order to appreciate them fully, it is only necessary to turn the tables upon ourselves. Suppose that the South, having a majority of the electoral votes, should declare that they would only have slaveholders for President and Vice President, and should elect such by their exclusive suffrages to rule over us at the North. Do you think we would submit to it? No, not for a moment. And do you believe that your southern brethren are less sensitive on this subject than you are, or less jealous of their rights? If you do, let me tell you that you are mistaken. And, therefore, you must see that if this sectional party succeeds, it leads inevitably to the destruction of this beautiful fabric reared by our forefathers, cemented by their blood, and bequeathed to us as a priceless inheritance."

Such is the language of Mr. Fillmore, who had been President of the United States, and who was at that time a candidate for reelection. Now, sir, however distasteful it may be to my friend from New York, (Mr. CLARK,) however much it may revolt the public sentiment or conscience of this country, I am not ashamed or afraid publicly to avow that the election of WILLIAM H. SEWARD, or SALMON P. CHASE, or any such representative of the Republican party, upon a sectional platform, ought to be resisted to the disruption of every tie that binds this Confederacy together.*

The "extreme medicine of the Constitution is not to be made our daily food," and threats of dissolution have become impotent on account of their frequency. But the election of such a man, with such sentiments, would indicate such hostility to us as to be the assurance of our subjection, and the evidence of an ir-

* In a very recent northern book, written with some ability, and exhibiting no partiality for the South, which has just fallen into my hands, occurs this sentence:

"It is a fact to be confronted and dealt with, that there is a body of men, in the northern States, formidable for its numbers, wealth, social influence, political power, talents, and zeal, willing to diffuse among the negroes ideas and aspirations inconsistent with their position as slaves; willing to afford them encouragement and sympathy, and the expectation of support, if not actual physical aid, in resistance and revolt. These men are able, if they cannot be checked, to destroy the South—to destroy the Nation."

reconcilable antagonism. It would be a great calamity, and to submit to it would be a calamity embittered by disgrace.

"Come the eleventh plague, rather than this should be;
Come, sink us rather in the sea;
Come rather pestilence and mow us down;
Come God's sword, rather than our own;
Let rather Roman come again;
The Saxon, Norman, or the Dane;
In all the ills we've ever bore,
We grieved, we sighed, we wept, we never *blushed* before."

But we are told there are demonstrations at present going on in the North in opposition to this Republican party, and I find in these meetings additional arguments to prove the positions which I have been submitting. Edward Everett, the author and the statesman, in his recent speech at the Union meeting in Boston, assigns as a reason for his abstinence from political action—

"That, between the extremes of opinion that have long distracted and now threaten to convulse the country, I find no middle ground of practical usefulness on which a friend of moderate counsels can stand."

Whatever may be his means of judging the South, he is surely a competent and impartial judge of northern sentiment. In the same meeting, Caleb Cushing, late Attorney General, speaking of a recent effort of his, says:

"I endeavored to show how a handful of talented but misled men in Massachusetts, animated by a monomania of fanatical devotion to a single idea, had poisoned the consciences and corrupted the judgment of too many of our fellow-citizens in the Commonwealth. I showed the nature and influence of their most malignant teachings; how all party action in the North and South was running in the channel of a desperate and deplorable sectionalism, and, more than all, in Massachusetts; that all political influence in this State was founded in hate, treacherous, furious, fiendish hate, of our fellow-citizens in the southern States."

This was spoken by a Massachusetts man in Faneuil Hall, and indorsed by a Massachusetts audience.

These Union meetings that have been held in the North, are referred to as evidence of a returning sense of public justice. Now, Mr. Clerk, while they may be demonstrations of a more or less gratifying character, yet these public declarations commit to nothing. They are not the true index of public opinion. The test of public opinion is the ballot box. There is where I look to ascertain the political sentiment of the North, and I find, deciding by that test, that New England stands here to-day in one solid phalanx arrayed against what I conceive to be the constitutional rights of the South—that New York stands here with but five or six Representatives who are disposed to befriend us and our rights. The same is true, to a greater or less extent, in regard to Pennsylvania and Ohio, and other States of the Union. The same is true in regard to their State organizations. The elections are the evidence of popular hostility, and I choose to look to them rather than to exceptional results and individual expressions. We also hear patriotic declamation and eloquent vindication of the Union on this floor. Sir, they are the singing of Circe—"the voice of the charmer, charming never so wisely," lulling the

South's suspicion asleep, and deceiving the North in regard to the stupendousness of the crisis that is on us. If you are in earnest in these declarations, if these public meetings mean anything, show us the fruit of your work; give us something practical, substantial, and tangible. Will you go home and repeal your personal liberty bills, your *habeas corpus* acts, your *mandamus* acts? Will you execute the fugitive slave law? Will you open your State prisons for the safe-keeping of those who are arrested in compliance with the Constitution? Will you refuse contributions of money to circulate incendiary pamphlets at the South? Will you turn out of this Hall and the other end of the Capitol the men who come here to insult and stigmatize us, and who omit no possible occasion of keeping up sectional hostility and infringing on our rights and on the guaranties of the Constitution? Will you go home and say, as Charles James Fox, on a memorable occasion, "I stand up for the Constitution, not for the people; if the people attempt to invade the Constitution, they are enemies to the nation?" These will be some indications of public opinion and some tests of a returning sense of public justice.

Mr. Clerk, I should be doing injustice to myself and to the constituents whom I represent were I to deny that there exists a serious apprehension in their minds in regard to the consequences of this agitation. There are men at the South who, while they wish that the Government may continue as prosperous and happy as it has hitherto been, still recognize and acknowledge the fact that clouds and darkness are gathering over the future which only the eye of the seer may be able to penetrate. It is natural for them in that condition to be casting about to ascertain where are their friends, and from whom they will get support and succor in the hour of trial and difficulty.

My constituents, almost without distinction of party, look solely and exclusively to the Democracy of the North as the natural allies of the Constitution and the South. That party has done much to illustrate the principles of this Government, and to vindicate man's capacity for self-government. Relying on the integrity and intelligence of the people, defeat has not caused its disbandment, the desertion of its principles, or the change of its name. That there have been occasional excesses and irregularities and departures, I will admit. That bad men have sometimes used its *prestige* for ill, and abused its confidence, I do not deny. That in the pride of victory and the consciousness of power it has been sometimes intolerant of rebuke and opposition, its more candid supporters must concede. But still it has been fruitful of great names and great deeds. In war it has been been the country's friend. In peace it has contributed largely to its prosperity. Its disbandment, particularly at this juncture, would be, in my judgment, a serious calamity. While other organizations have arisen and departed, it still lives in the hearts of the people. Illustrated by great names, in critical periods of our country's history, it has been the saviour of the Constitution and the defender

of our country's honor. Its principles have become part of our mental habitudes, and I trust it may be adequate to the stupendous conflict which is just ahead of us. I take pleasure in recognizing the true and loyal men on this side of the floor and in the North, who are willing with us to lock shields in defence of the Constitution and the Union which is its creature; and I hope that in the irrepressible conflict which may be here or elsewhere, they may be able to rescue the Constitution of our country from the polluting touch of those who would destroy it.

But, Mr. Clerk, it is not proper that I should disguise the fact, that there are serious apprehensions that that party may not, in consequence of the intensity and fierceness of the anti-slavery sentiment of the North, be able to preserve the Constitution of the country. In that event, where is our hope of redress? where is our security? The very existence of two governments here, the Federal and State, implies a division of political power. And these two governments have their origin and sanction in the same source. The Federal no less than the State government is the work of the people of the States. It is a mere agent intrusted with limited powers for the execution of certain specific objects. Its powers are derivative entirely, and liable to be resumed by the States which delegated them. The Federal Constitution is the measure of its authority, and contains all the delegation of powers from the people of the different States. It is a pernicious error, to be repudiated on all occasions, that this Government can lawfully do whatever is not prohibited in the Constitution. Whatever is not delegated to the Government or prohibited to the States, is reserved to the States respectively and separately, and to the people thereof; and as one of our profoundest political thinkers has said:

"The boundary between the reserved and delegated powers marks the limits of this Union; the States are united to the extent of the delegated, they are separated beyond that limit."

The history of this country confirms universal experience in reference to the disposition of men having power to arrogate more. The apprehensions of some of the founders of the Republic in reference to the dangers which threatened its perpetuity, were ill-founded; the centripetal tendencies have been found to be greater than the centrifugal. Abraham Baldwin, of Georgia, during the last century, remarked that "it was the nature of delegated power to increase. It has been aptly said to be like the screw in mechanics: it holds all it gains, and at every turn gains a little more." This tendency has been fully and repeatedly manifested in our history; and sometimes the States have failed to resist and defeat measures leading to centralism and the absorption of unconstitutional powers by the different departments of the Federal agency.

I said that the existence of two governments implied a division of power. This division of power implies a superior. The existence of limitations and restrictions presupposes the power to con-

trol and to enforce. Right here arises the great question—the greatest which can possibly be submitted to the people of this Confederacy—whether the States have the right to judge of the extent of their reserved powers and to defend them against the encroachments of the Federal Government. Mr. Webster, and the Federal school of politicians, hold that in all cases not capable of assuming the character of a suit in law or equity, in which event the Supreme Court is the final interpreter, Congress is the final and exclusive judge of the extent of its own powers. Mr. Jefferson and Mr. Calhoun and the State-rights school on the contrary hold that the Constitution is a compact between sovereign States; that the States are not united upon a principle of unlimited submission to this Government; that this Government, the creature of the States, is not the final and exclusive judge of the powers delegated to itself; but that each State has an equal right to judge for itself, as well of the infraction of the Constitution as of the mode and measure of redress. The Federal doctrine of Mr. Webster centralizes power, consolidates the Government, reduces the States to mere dependent corporations, and destroys limitations and restrictions. A written constitution affords no barrier against the encroachments of the Government, and no security for the rights and liberties of the people, if the Government can construe the final extent of its own powers and enforce that construction at the point of the bayonet. “Written constitutions,” said an old author, “are like spiders’ webs that hold only the poor and weak, while the rich and powerful easily break through them.” Under this theory, there is no practical, substantive division of power. If the Government, through any or all its departments, can, by construction or usurpation, enlarge its delegation, there are no limitations upon its powers, there being no difference, said Mr. Calhoun, “between a Government having all power and a Government having the right to take what powers it pleases.”

Mr. Clerk, free governments, so far as their protecting power is concerned, are made for minorities, and the Jeffersonian, State-rights theory protects minorities. The South is in a minority at this time; and she should cling to State-rights as the sheet-anchor of her safety in her hour of peril. As power is liable to abuse, checks should be imposed. In all possible modes of government, there will be a conflict between sections and interests and classes. It is inevitable under the present constitution of human nature. All history furnishes no experience to the contrary. Hostile interests are created by legislation. Different interests in a community are disposed to encroach on each other; and unless there is some power to check and restrain, the weaker must yield to, and go down before, the stronger. If majorities can interpret the Constitution, and enforce that interpretation without check; if the legislative discretion of the other side of the House is the measure of the rights of the South, then the minority will soon become a prey to the ambition and cupidity of the majority.

Gouverneur Morris, in writing to Mr. Pickering—and he is authority I presume on the other side of the House—said that “the legislative lion is not to be entangled in the meshes of a logical net—that the legislature will always make the power it wishes to exercise.” Limitations of power contained in the Constitution, and reservations of undelegated power, are of no avail unless they, for whose benefit they are imposed and reserved, have the power to enforce the limitations and protect the reservations against encroachment. It is idle to expect the delegated powers to protect the reserved; it is nonsense to give a right without a remedy, or a remedy without the means of applying it. It is folly to talk of the minority relying for the protection of their rights upon the privilege of protest, complaint, and remonstrance.

No, every separate community must be able to protect itself. Power must be met by power. If the majority can control this Government, interpreting the Constitution at its will, then this Government is a despotism. Whether wise or unwise, whether merciful or cruel, it is a despotism still.

Mr. Clerk, this power of self-protection, according to my judgment and my theory of politics, resides in each State. Each has the right of secession, the right of interposition, for the arrest of evils within its limits. The means of resistance to oppression are ample; and it is a sad misfortune, sir, that these effective remedies have not been oftener applied. A more frequent application of the remedy would make the will commensurate with the means, inspire moral greatness, embolden courage, make resistance a duty, and equality a necessity.

Mr. Clerk, if our Democratic friends, with the aid of American friends, or of Republicans, who may come to the rescue, as I trust many of them will, be not able to interpose for the security of the South, and for the preservation of the Constitution, I, for one, shall counsel immediate and effective resistance, and shall urge the people of Alabama, to which State I owe my first and undivided allegiance, to fling themselves upon their ultimate defence—their reserved rights and inalienable sovereignty.



LIBRARY OF CONGRESS



0 011 898 242 3

LIBRARY OF CONGRESS



0 011 898 242 3